

BY AUTHORITY

ORDINANCE NO. 41  
SERIES OF 2020

COUNCIL BILL NO. 45  
INTRODUCED BY COUNCIL  
MEMBER SIERRA

**AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8, CHAPTER 2, ARTICLE F, OF THE ENGLEWOOD MUNICIPAL CODE, IN CONNECTION WITH ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, AND SUCH AMENDMENTS AS SET FORTH HEREIN, ALL WITHIN THE CITY OF ENGLEWOOD, ARAPAHOE COUNTY, COLORADO.**

**WHEREAS**, the City of Englewood has adopted Uniform Building Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971;

**WHEREAS**, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees within one (1) year of the Effective Date of this Agreement to adopt the 2015 International Building and Fires Codes and to adopt any subsequent versions of the building and fire codes within six (6) months of Denver's adoption of said subsequent versions of said codes";

**WHEREAS**, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees not to adopt any laws or amendments to said codes that conflict with or are materially inconsistent with the applicable uniform building and fire codes without obtaining the prior, written approval of the Denver Fire Chief (which approval will not be unreasonably withheld);

**WHEREAS**, the Chief Building Official for the City of Englewood has determined that none of the proposed amendments to the International Property Maintenance Code, 2018, conflict with or are materially inconsistent with the applicable uniform building and fire codes;

**WHEREAS**, in the spirit of interlocal cooperation, Englewood's proposed modifications to the Building and associated safety codes have been provided to the Denver Fire Chief; and

**WHEREAS**, the Chief Building Official for the City of Englewood has thoroughly reviewed the International Property Maintenance Code 2018 and recommends adoption thereof subject to certain exceptions, modifications and amendments as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:**

**Section 1.** Title 8, Chapter 2, Article F shall be amended as follows:

**8-2F-1: CODE ADOPTED:**

There is hereby adopted, by reference thereto, the International Property Maintenance Code 2018 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2C-2 of this Article. The City Clerk shall maintain a copy of the Code, errata updates, and specific modifications to adopted Code as set forth within E.M.C. 8-2F-2, all of which will be available for inspection during regular business hours.

**8-2C-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:**

The following specific changes, modifications and amendments are hereby made to the provisions of the International Property Maintenance Code 2018, hereinabove adopted:

**A. CHAPTER 1. ADMINISTRATION.**

1. **101.1 Title** shall be amended to read as follows:  
These regulations shall be known as the International Property Maintenance Code of the City of Englewood, hereinafter referred to as "this Code" or IPMC.
2. **102.3 Application of other codes** shall be amended to read as follows:  
Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City of Englewood adopted International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, NFPA 70 and the City of Englewood Municipal Code.
3. **103.5 Fees** shall be amended to read as follows:  
Refer to Section 109.2 of the amended Building Code of the City of Englewood for requirements of this Section.
4. **107.2 Form, subsection (4)**, shall be amended to read as follows:  
Include a correction order allowing a reasonable time, not to initially exceed thirty (30) days, to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code. The Building Official may grant extensions to the initial time allowed to complete repairs, but in no case may such total time for repairs and improvements exceed 180 days.
5. **108.5 Prohibited Occupancy** shall be amended to read as follows:  
Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Such placard shall be deemed an order directing vacation and shall provide not more than ten (10) days from the date of such placarding for the vacation of such dwelling unit unless a lesser

time is stated in the order as in the judgment of the building official is reasonable and proper in view of the facts of the situation and hazard involved. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placard premises, or operate placarded equipment, or remove such placard from the premises shall be liable for the penalties provided by this Code.

6. The entirety of section **111 MEANS OF APPEAL**, including all subsections, shall be amended to read as follows:

Refer to Section 8-1-7 of the Englewood Municipal Code of the City of Englewood for the requirements of this Section.

7. **112.4 Failure to comply** shall be amended to read as follows:  
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for penalties as prescribed in section 115 of the International Building Code as amended.

## **B. CHAPTER 3. GENERAL REGULATIONS.**

1. **301.2.1 Responsibility – Hotel/Motel Owners** shall be amended to add the following subsection:

The owner of the premises shall maintain the structures, dwelling unit, rooming unit, housekeeping unit and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter.

2. **302.4 Weeds** shall be deleted in its entirety.
3. **302.8 Motor Vehicles** shall be deleted in its entirety.
4. **302.9 Defacement of property** shall be deleted in its entirety.
5. **304.14 Insect Screens** shall be amended to read as follows:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or store shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

## **C. CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS.**

1. **602.3 Heat supply** shall be amended to read as follows:  
Every owner and operator of any building who rents, leases or lets one or more dwelling units on terms, either expressed or implied, to furnish heat to the occupants thereof (20° C) in all habitable rooms, bathrooms and toilet rooms.
2. **602.4 Occupiable work spaces** shall be amended to read as follows:  
Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F during the period the spaces are occupied.

**Section 2.** Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

**Applicability of Title 1, Chapter 2, Saving Clause.** The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

**Enforcement.** E.M.C. Title 1, Chapter 4, “General Penalty” provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

**Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 5th day of October, 2020.

Published by title as a Bill for an Ordinance in the City’s official newspaper on the 8<sup>th</sup> day of October, 2020.

Published as a Bill for an Ordinance on the City’s official website beginning on the 7<sup>th</sup> day of October, 2020 for thirty (30) days.

Read by title and passed on final reading on the 19th day of October, 2020.

Published by title in the City’s official newspaper as Ordinance No.41, Series of 2020, on the 22<sup>nd</sup> day of October, 2020

Published by title on the City's official website beginning on the 21<sup>st</sup> day of October, 2020 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

DocuSigned by:

*Linda Olson*

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Linda Olson, Mayor

ATTEST:

DocuSigned by:

*Stephanie Carlile*

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Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 41, Series of 2020.

DocuSigned by:

*Stephanie Carlile*

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Stephanie Carlile